

REMARKS

By the present amendment independent claims 1 and 8 have been amended and claim 9 has been cancelled. Thus, claims 1-8 remain in the application. Support for these amendments is found on Page 2, lines 37-39; Page 4, lines 9-23; Page 5, lines 31-37; and Page 6, lines 29-46.

The Examiner repeated the rejection of claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over BASF in view of Schneider et al.

Rejection of a claim under 35 U.S.C. § 103(a) based on a combination of references requires that there be a specific showing by the Examiner of a suggestion, teaching, or motivation found within the references themselves which would lead one of ordinary skill in the art to combine the prior art references in a way to make the rejected claims obvious. In re Sang Su Lee, 227F.3d.1228 (Fed.Cir.2002), absent such suggestion, teaching or motivation the combination of prior art references in a rejection under 35 U.S.C. § 103(a) is improper and must be withdrawn.

By the present amendment independent claims 1 and 8 both require that the inorganic acid be present in an amount of from 0.1 to 0.5 percent by weight based on the weight of the isocyanate reactive components and that the polyisocyanate polyaddition layer (ii) adhere to both of the outer metal layers with an adherence of > 4MPa. The Examiner admits that BASF

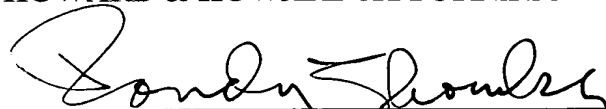
does not disclose the use of an inorganic acid. The Examiner points to column 9, lines 19-28 and example 1 of Schneider et al. as showing the use of an inorganic acid. Schneider et al. lists a large laundry list of reaction retarders including inorganic acids, organic acid halides, cell regulators, pigments, dyes, flame-retarding agents, stabilizers, plasticizers, fungistatic and bacteriostatic substances and fillers. In example 1 Schneider et al. discloses the utilization of 0.085 weight percent of an orthophosphoric acid as a reaction retarder. The foams produced according to the process of Schneider et al. are utilized to make foamed products that are made in molds and are completely unlike the present invention. Nowhere in Schneider et al. is it disclosed to make a product wherein the polyurethane component adheres to two outer layers of a metal and particularly not with the adhesive strength required by the present invention. The orthophosphoric acid utilized in Schneider et al. is utilized at a level that is well outside the range required by present independent claims 1 and 8. There is no teaching, suggestion, or motivation found in Schneider et al. or BASF that would lead one of ordinary skill in the art to modify the disclosures of both references to produce Applicants' invention. Because Applicants' invention as defined in claims 1 and 8 is not obvious in view of the cited references the rejection of these claims, and the claims which depend from them, under 35 U.S.C. § 103(a) based on the cited references is improper and must be withdrawn.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. Applicant believes that no fees are due, however, if any become required, the Commissioner is hereby

authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

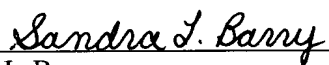


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Date

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Sandra L. Barry